

Bill No. SB 1064

Barcode 915158

584-2085B-07

Proposed Committee Substitute by the Committee on Education
Facilities Appropriations

1 A bill to be entitled

2 An act relating to facility enhancement

3 challenge grant programs; amending s. 1011.32,

4 F.S., relating to the Community College

5 Facility Enhancement Challenge Grant Program;

6 requiring that a project be approved by the

7 State Board of Education or the Legislature;

8 requiring that unexpended private matching

9 funds revert to the direct-support organization

10 capital facilities matching account of the

11 community college; requiring that unexpended

12 state matching funds revert to the trust fund

13 from which the funds were appropriated;

14 amending s. 1013.79, F.S., relating to the

15 University Facility Enhancement Challenge Grant

16 Program; providing for the future termination

17 of the Alec P. Courtelis Capital Facilities

18 Matching Trust Fund; prescribing procedures for

19 terminating the trust fund; requiring each

20 state university to establish a facilities

21 matching grant program account for the deposit

22 of private contributions; providing for the

23 transfer of state funds with respect to the

24 account; removing certain sources of state

25 funds for use in matching private

26 contributions; requiring the Board of Governors

27 of the State University System to establish a

28 method for validating the receipt and deposit

29 of private matching funds; requiring the Board

30 of Governors rather than the State Board of

31 Education to approve projects under the Alec P.

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1 Courtelis University Facility Enhancement
2 Challenge Grant Program; deleting provisions
3 providing for the reversion of trust fund
4 moneys to conform to changes made by the act;
5 providing for the Board of Governors to approve
6 the naming of a facility in honor of a donor;
7 providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Subsections (9) and (11) of section
12 1011.32, Florida Statutes, are amended to read:

13 1011.32 Community College Facility Enhancement
14 Challenge Grant Program.--

15 (9) In order for a project to be eligible under this
16 program, it must be survey recommended under the provisions of
17 s. 1013.31 and included in the community college's 5-year
18 capital improvement plan, and it must receive ~~prior~~ approval
19 from the State Board of Education or the Legislature.

20 (11) Any private matching project funds for a project
21 which ~~that~~ are unexpended after the ~~a~~ project is completed
22 shall revert to the community college's direct-support
23 organization capital facilities matching account. ~~Fifty~~
24 ~~percent of such unexpended funds shall be reserved for the~~
25 ~~community college which originally received the private~~
26 ~~contribution for the purpose of providing private matching~~
27 ~~funds for future facility construction projects as provided in~~
28 ~~this section~~. The balance of any ~~such~~ unexpended state
29 matching funds shall be returned to the fund from which those
30 funds were appropriated ~~General Revenue Fund~~.

31 Section 2. Section 1013.79, Florida Statutes, is

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1 amended to read:

2 1013.79 University Facility Enhancement Challenge
3 Grant Program.--

4 (1) The Legislature recognizes that the universities
5 do not have sufficient physical facilities to meet the current
6 demands of their instructional and research programs. It
7 further recognizes that, to strengthen and enhance
8 universities, it is necessary to provide facilities in
9 addition to those currently available from existing revenue
10 sources. It further recognizes that there are sources of
11 private support that, if matched with state support, can
12 assist in constructing much-needed facilities and strengthen
13 the commitment of citizens and organizations in promoting
14 excellence throughout the state universities. Therefore, it is
15 the intent of the Legislature to establish a trust fund to
16 provide the opportunity for each university to receive support
17 for challenge grants for instructional and research-related
18 capital facilities within the university.

19 (2) There is ~~hereby~~ established the Alec P. Courtelis
20 University Facility Enhancement Challenge Grant Program for
21 the purpose of assisting universities build high priority
22 instructional and research-related capital facilities,
23 including common areas connecting such facilities. The
24 associated foundations that serve the universities shall
25 solicit gifts from private sources to provide matching funds
26 for capital facilities. For the purposes of this act, private
27 sources of funds shall not include any federal, state, or
28 local government funds that a university may receive.

29 (3)(a) There is established the Alec P. Courtelis
30 Capital Facilities Matching Trust Fund to facilitate ~~for the~~
31 ~~purpose of providing matching funds from private contributions~~

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1 ~~for~~ the development of high priority instructional and
2 research-related capital facilities, including common areas
3 connecting such facilities, within a university. All
4 appropriated funds deposited into the trust fund shall be
5 invested pursuant to s. 17.61. Interest income accruing to
6 that portion of the trust fund shall increase the total funds
7 available for the challenge grant program.

8 (b) Effective July 1, 2009, the Alec P. Courtelis
9 Capital Facilities Matching Trust Fund is terminated.

10 (c) The State Board of Education shall pay any
11 outstanding debts and obligations of the terminated fund as
12 soon as practicable, and the Chief Financial Officer shall
13 close out and remove the terminated funds from various state
14 accounting systems using generally accepted accounting
15 principles concerning warrants outstanding, assets, and
16 liabilities.

17 (d) By June 30, 2008, all private funds and associated
18 interest earnings held in the Alec P. Courtelis Capital
19 Facilities Matching Trust Fund shall be transferred to the
20 originating university's individual program account.

21 (4) Each university shall establish, pursuant to s.
22 1011.42, a facilities matching grant program account as a
23 depository for private contributions provided under this
24 section. Once a project is under contract, funds appropriated
25 as state matching funds may be transferred to the university's
26 account once the Board of Governors certifies receipt of the
27 private matching funds pursuant to subsection (5). State funds
28 that are not needed as matching funds for the project for
29 which appropriated shall be transferred, together with any
30 accrued interest, back to the state fund from which such funds
31 were appropriated. The transfer of unneeded state funds shall

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1 occur within 30 days after final completion of the project or
 2 within 30 days after a determination that the project will not
 3 be completed. ~~The Legislature may appropriate funds to be~~
 4 ~~transferred to the trust fund.~~ The Public Education Capital
 5 Outlay and Debt Service Trust Fund or the, Capital Improvement
 6 Trust Fund, ~~Division of Sponsored Research Trust Fund, and~~
 7 ~~Contracts and Grants Trust Fund~~ shall not be used as the
 8 source of the state match for private contributions. All
 9 ~~appropriated funds deposited into the trust fund shall be~~
 10 ~~invested pursuant to the provisions of s. 17.61. Interest~~
 11 ~~income accruing to that portion of the trust fund shall~~
 12 ~~increase the total funds available for the challenge grant~~
 13 ~~program.~~ Interest income accruing from the private donations
 14 shall be returned to the participating foundation upon
 15 completion of the project. ~~The State Board of Education shall~~
 16 ~~administer the trust fund and all related construction~~
 17 ~~activities.~~

18 (5)(4) A ~~No~~ project may not ~~shall~~ be initiated unless
 19 all private funds for planning, construction, and equipping
 20 the facility have been received and deposited in the separate
 21 university program account designated for this purpose ~~trust~~
 22 ~~fund~~ and the state's share for the minimum amount of funds
 23 needed to begin the project has been appropriated by the
 24 Legislature. The Board of Governors shall establish a method
 25 for validating the receipt and deposit of private matching
 26 funds. The Legislature may appropriate the state's matching
 27 funds in one or more fiscal years for the planning,
 28 construction, and equipping of an eligible facility. However,
 29 these requirements shall not preclude the university from
 30 expending available funds from private sources to develop a
 31 prospectus, including preliminary architectural schematics or

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1 ~~and/or~~ models, for use in its efforts to raise private funds
2 for a facility. Additionally, any private sources of funds
3 expended for this purpose are eligible for state matching
4 funds should the project materialize as provided for in this
5 section.

6 ~~(6)(5)~~ To be eligible to participate in the Alec P.
7 Courtelis University Facility Enhancement Challenge Grant
8 Program ~~Capital Facilities Matching Trust Fund~~, a university
9 shall raise a contribution equal to one-half of the total cost
10 of a facilities construction project from private
11 nongovernmental sources which shall be matched by a state
12 appropriation equal to the amount raised for a facilities
13 construction project subject to the General Appropriations
14 Act.

15 ~~(7)(6)~~ If the state's share of the required match is
16 insufficient to meet the requirements of subsection ~~(6)~~ ~~(5)~~,
17 the university shall renegotiate the terms of the contribution
18 with the donors. If the project is terminated, each private
19 donation, plus accrued interest, reverts to the foundation for
20 remittance to the donor.

21 ~~(8)(7)~~ By October ~~September~~ 1 of each year, the ~~State~~
22 Board of Governors ~~Education~~ shall transmit to the Legislature
23 a list of projects that ~~which~~ meet all eligibility
24 requirements to participate in the Alec P. Courtelis
25 University Facility Enhancement Challenge Grant Program
26 ~~Capital Facilities Matching Trust Fund~~ and a budget request
27 that ~~which~~ includes the recommended schedule necessary to
28 complete each project.

29 ~~(9)(8)~~ In order for a project to be eligible under
30 this program, it must be included in the university 5-year
31 capital improvement plan and must receive ~~prior~~ approval from

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the ~~State~~ Board of Governors or Education and the Legislature.

~~(10)(9)~~ A ~~No~~ university's project may not ~~shall~~ be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list. A university shall not use PECO funds, including the Capital Improvement Trust Fund fee and the building fee, to complete a project under this section.

~~(10) Any project funds that are unexpended after a project is completed shall revert to the Capital Facilities Matching Trust Fund. Fifty percent of such unexpended funds shall be reserved for the university which originally received the private contribution for the purpose of providing private matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be available to any state university for future facility construction projects conducted pursuant to this section.~~

(11) The surveys, architectural plans, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the ~~State~~ Board of Governors Education. No facility shall be named after a living person without prior approval by the Legislature.

Section 3. This act shall take effect July 1, 2007.